

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                   )  
                                  )  
vs.                            )  
                                  )  
ERIC CREIGHTON,             )  
                                  )  
Defendant.                   )

8:07CR275

ORDER

This matter is before the court on the motion of Assistant Federal Public Defender David M. O'Neill and the Office of the Federal Public Defender to withdraw as counsel for the defendant, Eric Creighton (Creighton) (Filing No. 14). Mr. O'Neill represents he and the Office of the Federal Public Defender have a conflict of interest in this matter. The motion to withdraw (Filing No. 14) is granted.

Chad Douglas Primmer, 233 South Main Street, Council Bluffs, IA 51503-6504 68102, (712) 323-5881, is appointed to represent Creighton for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. O'Neill shall forthwith provide Mr. Primmer with the discovery materials provided the defendant by the government and such other materials obtained by Mr. O'Neill which are material to Creighton's defense.

The clerk shall provide a copy of this order to Mr. Primmer, and he shall file his appearance forthwith.

Creighton will be given **until November 26, 2007**, in which to file any pretrial motions in accordance with the progression order (Filing No. 9). Trial of this matter scheduled for December 3, 2007, is continued *sine die*. Trial of this matter will be rescheduled following the disposition of any pretrial motions or the expiration of the motion deadline, whichever date occurs later. The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **October 31, 2007 and November 26, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's newly appointed counsel requires additional time to adequately

prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

**IT IS SO ORDERED.**

DATED this 1st day of November, 2007.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge